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C O N F I D E N T I A L SECTION 01 OF 03 TBILISI 000511

SIPDIS

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SUBJECT: GEORGIA: UNOMIG BEGINS EVALUATING RESPECT FOR  
UNSCR 1866

Classified By: Ambassador John F. Tefft for reasons 1.4 (b) and (d).

¶1. (C) Summary and comment. UNOMIG personnel have begun evaluating the degree to which the various sides respect UNSCR 1866. UNOMIG's position is that 1866 re-imposes on all sides the conditions of paragraph 2a of the 1994 Moscow Agreement, which defines a security zone that excludes all military forces and heavy equipment and a restricted-weapons zone that excludes all heavy equipment. UNOMIG has observed what it considers to be examples of non-compliance on both sides of the boundary, but is hesitant to call them violations, because 1866 only calls for "respecting" the 2a conditions, and UNOMIG has no way to enforce compliance. UNOMIG considers Russian and Abkhaz non-compliance to be more serious than Georgian non-compliance. Although the EUMM also uses vehicles similar to the Georgian COBRAs that UNOMIG consider non-compliant, it is unlikely that UNOMIG will cite the EUMM. Considering the temporary nature of 1866, it is unlikely that UNOMIG will put its findings to any specific use. The Russians and Abkhaz are almost sure to ignore such findings, and the Georgians are unlikely to take action absent steps on the north side of the boundary. As we prepare to negotiate a new UN mandate, it will be important to ensure that its conditions are not weakened by the ambiguities of 1866. End summary and comment.

BACKGROUND: 1994 Moscow Agreement, redux

¶2. (U) UN Security Council Resolution 1866, passed on 13 February 2009, includes the following operative paragraph.

-- 2. (The Security Council) Calls for the provisions that were set out in paragraph 2(a) of the Agreement on a Ceasefire and Separation of Forces signed in Moscow on 14 May 1994 (S/1994/583) to be respected, pending consultations and agreement on a revised security regime, taking note of the recommendations on the security regime contained in the report of the Secretary General of 4 February 2009;

¶3. (U) The referenced paragraph 2(a) of the so-called Moscow Agreement reads as follows.

-- 2. The armed forces of the parties shall be separated in accordance with the following principles:

(a) The area between lines B and D on the attached map . . . shall constitute a security zone. There shall be no armed forces or heavy military equipment within this zone. The territory between lines A and B and lines D and E shall constitute a restricted-weapons zone. There shall be no heavy military equipment within this zone. The local civil authorities shall function in the security zone and the restricted-weapons zone. The police/militia employed for this purpose may carry personal arms;

Heavy military equipment includes:

- (i) All artillery and mortars of a calibre exceeding 18 mm;
- (ii) All tanks;
- (iii) All armoured transport vehicles.

#### THE MEANING AND AUTHORITY OF UNSCR 1866

¶4. (C) There are some ambiguities in 1866. UN Special Representative Johan Verbeke has noted to various U.S. officials his understanding that 1866 re-imposes the conditions of 2(a) on all parties. UNSCR 1866 does not specify to whom its provisions apply, and Verbeke's reading is that it therefore applies to all parties. He expects, however, the Russians will argue that it does not apply to them, because 2(a) in its original context did not apply to them, because 2(a) in its original context did not apply to their peacekeeping forces. Also, the word "respected" is less absolute than the clear language of 2(a), which declares simply that "There shall be no armed forces . . ." etc. Verbeke believes that "respected" means "complied with." Even so, a UNOMIG staffer explained to PolOff that there is an ongoing discussion within UNOMIG as to what authority the word "respected" really gives UNOMIG. Personnel there already agree that 1866 does not give UNOMIG the authority to issue "violations," so they are discussing what they can do with any observed instances of non-compliance. One idea is to cite instances of "non-respect," which they have done in some of their reports, although this locution seemed cumbersome to at least one staffer.

¶5. (C) Deputy Director of the Georgian MFA's International

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Organizations Department Shalva Tsiskarashvili told EmbOffs on March 11 that the Georgian government agrees with Verbeke's basic reading of 1866 and its reimposition of the Moscow Agreement limits. He also noted, however, that the Georgian government does not necessarily agree with some of UNOMIG's specific findings (see paragraph 7). As far as post is aware, Russia has not expressed an opinion on Verbeke's reading. Verbeke himself noted in Geneva, however, that when he outlined his reading of the resolution to Russian Deputy Foreign Minister Karasin, the latter seemed surprised, as if he had not considered that possibility before, and did not offer a formal response.

¶6. (SBU) Pursuant to its reading of 1866, UNOMIG has recently begun compiling observations of what it considers instances of non-compliance. On March 5, it included in its daily sitrep, under the heading "Non-Respect for UNSCR 1866," a compilation of the military forces it observed on either side of the Abkhaz administrative boundary. On the Russian side it observed Russian forces in battalion strength; 32 BTR-80 armored personnel carriers; 10 T-72 tanks; 1 multi-purpose armored vehicle; 6 artillery guns; and 1 MI-8 helicopter. On the Abkhaz side it observed 7 T-55 tanks; 3 multi-purpose armored vehicles; 3 ZU-23-2 anti-aircraft cannon; and approximately 2 platoons of the regular Abkhaz de facto army. On the Georgian side it observed 22 COBRA joint light tactical vehicle.

#### TROOPS, ARTILLERY, TANKS AND BTRs VS. COBRAS

¶7. (C) Although it accepts UNOMIG's reading of 1866, Georgia has not accepted UNOMIG's determination that COBRAs are not compliant. In a March 7 conversation between Verbeke and Ministry of Internal Affairs officials (reported to post by an American UNOMIG monitor -- please protect), Head of the Ministry's Analytical Section Shota Utiashvili noted that Georgia needs COBRAs to defend itself against the superior weaponry on the Russian/Abkhaz side of the boundary. He also said that only two of the 22 COBRAs are armed, and the two armed ones (which sometimes carry an automatic grenade launcher, sometimes a machine gun) are not used for patrolling the boundary, but rather delivering forces to

posts at the boundary. Verbeke insisted that the COBRAS (whether armed or not) were not in compliance, but also agreed that such technical findings had to be put in context. He said that the UNOMIG report to the Secretary General, due in May, would note the fact of the COBRAS on the Georgian side, but would also note that the Georgians had lost policemen along the administrative boundary and that the armored vehicles were needed for protection. A UNOMIG monitor acknowledged to EmbOff that there was some room for interpretation of the applicability of 2(a)(iii) to COBRAS. He noted that 2(a)(iii) would not apply to every vehicle with armor on it (such as a civilian armored car), and that COBRAS were considerably less problematic than BTRs. Ultimately, UNOMIG had to use some judgment in drawing the line between armored vehicles that violate 2(a)(iii) and those that do not, and its official position was that COBRAS do constitute a violation.

#### UNOMIG VS. EUMM: NOT ALL VIOLATIONS ARE CREATED EQUAL

18. (C) Verbeke faces a sticky political dilemma. He himself has admitted that Russian and Abkhaz violations, which cover Qhas admitted that Russian and Abkhaz violations, which cover all three subcategories of paragraph 2(a) and the prohibition on troops, are more serious than Georgian violations, which cover only the third subcategory. As he admitted to the Georgian Internal Affairs Ministry, however, he feels he must be impartial in his evaluation of respect for 1866, so he will cite all instances of non-compliance. However, not only the Georgians, but the EU Monitoring Mission (EUMM) also uses vehicles similar to the COBRAS in its movements near the boundary -- and according to Verbeke's own reading, all parties must respect the conditions of paragraph 2(a). In a strict sense, then, Verbeke could also cite the EUMM for non-compliance. (Note: We have detected some impatience and irritation on Verbeke's part with the EUMM, possibly arising out of a competitive interest in establishing UNOMIG as the primary monitoring mission now and into the future.) It seems highly unlikely, however, that Verbeke, a Belgian diplomat, will publicly describe the EUMM's use of COBRA-like vehicles as a violation.

#### COMMENT: WHAT TO DO WITH THIS INFORMATION?

19. (C) Although UNOMIG has included its observations about

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non-respect in its sitreps, Verbeke has given no indication he will raise the concerns in any public forum. He seems to have adopted the view that, as a four-month "technical rollover plus," 1866 does not provide UNOMIG the authority to issue formal violations, much less attempt to enforce the resolution's provisions. As he told the Internal Affairs Ministry, however, the observations will inform the Secretary General's report to the Security Council, which 1866 requires be submitted by May 15 with recommendations on future activities. Since the process of negotiating a new mandate has already started, however, it is important that we take UNOMIG's findings into account now, without waiting for the Secretary General's report. In particular, as we consider specific security regimes, we will need to avoid the ambiguities of 1866, which UNOMIG has shown itself reluctant to resolve publicly.

TEFFT